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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

CABINET SECRETARIAT

(Department of Personnel and Administrative Reforms)

NOTIFICATIONS

New Delhi, the 18th April 1973

G.S.R. 201(E).- In exercise of the powers conferred by the proviso to article 309 of the Constitution and of all other powers enabling him in that behalf, the President hereby makes the following rules further to amend the Indian Economic Service Rules, 1961, namely:—

1. (1) These rules may be called the Indian Economic Service (Third Amendment) Rules, 1973.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. In the Indian Economic Service Rules, 1961 (hereinafter referred to as the said rules), in sub rule (3A) of rule 7, the second sentence shall be omitted.

3. In the said rules, in rule 7A,- in sub-rule (i), the second sentence shall be omitted; (ii) sub-rule (3) shall be omitted

4. In the said rules, rule 8 shall be renumbered as sub-rule (1) of rule 8, and after sub-rule as so renumbered, the following sub-rule shall be inserted, namely:—

"(2) For the purpose of making promotions of officers of grade II or grade III or Grade IV as the case may be to the next higher grade, the Controlling Authority shall be assisted by a Selection Committee consisting of such members as may be appointed by the Board and the Selection Committee shall, at such intervals as may be necessary and by adopting such procedure as may be approved by the Board, prepare a list of officers (hereinafter referred to in these rules as the Select List) who are to be promoted, and the order in which they are to be promoted, by the Controlling Authority."

5. In the said rules, after rule 9, the following rules shall be inserted, namely:—

"9A. *Seniority*.—(1) The Seniority of an officer appointed under the provisions of sub-rule (3A) of rule 7, rules 7A, 8 and 10 on or after the commencement of the Indian Economic Service (Third Amendment) Rules, 1973, shall be determined in the manner hereinafter provided.

(2) Where a departmental candidate is appointed to any grade under the provisions of sub-rule (3A) of rule 7, he shall be placed below the officer who on the date of selection of such departmental candidate to that grade is the junior-most amongst the officers who had been appointed on a regular basis to that grade.

(3) (i) Where a departmental candidate, being a person who, on the date of the constitution of the Service, had either held, or held lien on, any post which was included in any grade in Schedule I after the initial constitution of the Service, is appointed to that grade under the provisions of sub-rule (1) of rule 7A, he shall be placed below the junior-most officer who—

(a) was appointed on a regular basis to a post included in that grade in Schedule I, earlier than the appointment on a regular basis of the departmental candidate to the post included in such grade in that Schedule, and

(b) had been considered suitable by the Commission for appointment to that grade under the provisions of sub-rule (2) of rule 7;

(ii) Where more posts than one are included in the same grade in Schedule I at the same time, and the seniority of more than one departmental candidate appointed to any grade under the provisions of sub-rule (1) of rule 7A is required to be determined in the manner specified in clause (i), then, the order in which their seniority in the concerned grade is determined shall be the order of their seniority, in their parent department, and their *inter se seniority in their parent department shall not be disturbed while determin*ing their seniority in that grade in that order.

(4) (i) Where a departmental candidate, being a person who, on the date of the constitution of the Service, had neither held, nor held lien on, any post which was included in any grade in Schedule I after the date of the constitution of the Service, is appointed to that grade under the provisions of sub-rule (1) of rule 7A, he shall be assigned a position in the seniority list of the concerned grade in the following manner, namely:—

(a) he shall not be placed above the junior most officer who is substantive in that grade of the service with effect from a date not later than the date of selection of the departmental candidate to the concerned grade of the service under the provisions of sub-rule (1) of rule 7A;

(b) he shall be placed, amongst the officers who are not substantive in that grade, below the junior-most officer who was appointed on a regular basis to a post included in the concerned grade in Schedule I earlier than the date of appointment on a regular basis of the departmental candidate to the post included in the concerned grade in Schedule I.

Provided that such departmental candidate shall not be placed above an officer who, having been recommended by the Commission, under the provisions of sub-rule (2) of rule 7 for appointment to the concerned grade, was appointed to the next lower grade for want of a vacancy and had been subsequently promoted to the concerned grade under the provisions of sub-rule (2A) of rule 7, and who has continuously officiated in the concerned grade or in a post equivalent thereto from a date not later than the date of appointment on a regular basis of the departmental candidate to the post included in Schedule I.

(ii) Where more posts than one are included in the same grade in Schedule I at the same time, and the seniority of more than one departmental candidate appointed to any grade under the provisions of sub-rule (1) of rule 7A is required to be determined in the manner specified in clause (i), then, the order in which their seniority in the concerned grade is determined shall be the order of their seniority, in their parent department, and their *inter se* seniority in their parent department shall not be disturbed while determining their seniority in that grade in that order.

(5) Where a departmental candidate is appointed to any grade under the provisions of sub-rule (2) of rule 7A, he shall be placed below the juniormost officer who had been appointed on a regular basis to that grade on the date of selection of the said departmental candidate to that grade.

(6) Where a person is appointed to any grade under the provisions of clause (i) of rule 10, he shall be placed below the juniormost officer who had been appointed on a regular basis to that grade on the date of appointment of the aforesaid person to that grade.

(7) (i) Where a person is appointed to grade I or grade II or grade III under the provisions of rule 8, he shall, subject to the provisions of clause (ii), be placed below, the junior most officer who had been appointed on a regular basis to the grade concerned.

(ii) The *inter se* seniority of persons appointed to grade I or grade II or grade III under the provisions of rule 8 shall be determined in the following manner, namely:—

(a) a direct recruit to any grade shall be placed below the juniormost promoted officer who had been appointed on a regular basis to that grade on or before the date of appointment on a regular basis of such direct recruit:

Provided that the assignment of seniority to such promoted officers over direct recruits shall be restricted to the number remaining after subtracting the number of direct recruits appointed on a regular basis on that date from the number of regular vacancies which have arisen since the date of appointment of the last direct recruit which are required to be filled up under the provisions of rule 8.

Provided further that for the purpose of determining the seniority of a promoted officer in relation to a direct recruit, the promoted officer shall not be deemed to have been appointed on a regular basis if he holds a vacancy which has arisen by deputation or a series of deputations not exceeding three years on the date of appointment of the direct recruit notwithstanding that by an order subsequent to the date of appointment of the direct recruit, the total period of deputation is extended beyond three years.

(b) as between direct recruits recommended by the Commission on different occasions, a direct recruit recommended earlier shall be placed above a direct recruit recommended later, and as between direct recruits recommended on the same occasion, a direct recruit placed higher in the Commission's recommendation shall be placed above the direct recruit placed lower.

(c) as between promoted officers recommended for promotion on different occasions, a promoted officer whose promotion was recommended earlier by the Selection Committee shall be placed above a promoted officer recommended later, and as between promoted officers whose promotion was recommended on the same occasion, a promoted officer placed higher in the Select List shall be placed above a promoted officer placed lower.

(8) Notwithstanding anything contained in sub-rule (7), where it has not been possible, in the public interest, to promote an officer whose turn for promotion had come according to his place in the Select List, then, a place in the seniority list shall be kept reserved for him and such officer, when he is promoted, shall be placed in the seniority list in the position in which he would have been placed had he been promoted in his turn, and the said officer shall be included among the number of promoted officers who shall be entitled to the benefits under the first proviso to sub-clause (a) of clause (ii) of sub-rule (7).

(9) Nothing contained in this rule shall affect the seniority as already determined of an officer appointed to any grade before the commencement of the Indian Economic Service (Third Amendment) Rules, 1973;

Provided that, where the seniority of any such officer had not been determined before such commencement, it shall be determined by the Controlling Authority in the same manner in which and in accordance with the same principles on the basis of which the seniority of other officers appointed to any grade before such commencement had been determined.

9B. *"Regular basis".*—(1) Where a person is appointed in accordance with the procedure laid down in sub-rule (2) against a regular vacancy, then he shall be deemed to have been appointed to any grade or post on a regular basis

Explanation.—A vacancy shall be deemed to be a regular vacancy if it arises by reason of—

(i) the vacation of a post by a regular incumbent by regular promotion, transfer from the Service, retirement, resignation, dismissal, removal or death;

(ii) the inclusion of a post in Schedule I in the absence of a departmental candidate in respect of that post;

(iii) the deputation of the regular incumbent of a post included in Schedule I for a period not less than three years;

(iv) the deputation of the regular incumbent of a post included in grade I in Schedule I to a higher post under the Government, where the Controlling Authority is satisfied that there is no likelihood of the officer reverting to a post in grade I.

(2) A person shall be deemed to be appointed in a regular manner, if,—

(a) in the case of a direct recruit to any grade appointed under the provisions of rule 8 or clause (i) of rule 10, and in the case of a direct recruit to any post not included in Schedule I, he has been appointed to the said grade or post, as the case may be, as a direct recruit in pursuance of the recommendation of the Commission;

(b) in the case of an officer promoted to any grade under the provisions of rule 8 and in the case of an officer promoted to any post not included in Schedule I he has been promoted to the said grade or post, as the case may be, on the basis of his inclusion in the Select List prepared for the purpose of making promotion to such grade or post, as the case may be;

Provided that the promotion of an officer otherwise than in the order in which his name is placed in the Select List for promotion shall not be deemed to be an appointment in a regular manner, unless such promotion has been made by the Controlling Authority in the public interest

9C. *Date of Appointment.*—The date of appointment of a person to any grade or post on a regular basis shall,

(a) in the case of a direct recruit to any grade or post, be deemed to be the date on which he was recommended by the Commission for appointment to such grade or post, as the case be; and

(b) in the case of promoted officer to any grade or post, be the date on which he was included in the Select List for promotion to that grade or post as the case may be or the date on which he was appointed to that grade or post as the case may be, whichever may be later.

9D. *Special provision in case of undue hardship or injustice.*—Where the Controlling Authority is of the opinion that the determination of seniority of any officer in accordance with these rules would cause or is likely to cause undue hardship or injustice in any particular case, then the Controlling Authority may, in connection with the Commission, determine the seniority in a just and equitable manner."

[No. F.34/6/72-Estt(E).]

G.S.R. 202(E).—In exercise of the powers conferred by the proviso to article 309 of the Constitution and of all other powers enabling him in that behalf, the President hereby makes the following rules further to amend the Indian Statistical Service Rules, 1961, namely:—

1. (1) These rules may be called the Indian Statistical Service (Amendment) Rules, 1973.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. In the Indian Statistical Service Rules, 1961 (hereinafter referred to as the said rules), in sub-rule (3A) of rule 7, the second sentence shall be omitted.

3. In the said rules, in rule 7A,—

(i) in sub-rule (1), the second sentence shall be omitted;

(ii) sub-rule (3) shall be omitted.

4. In the said rules, rule 8 shall be renumbered as sub-rule (1) of rule 8, and after sub-rule (1) as so renumbered the following sub-rule shall be inserted, namely:—

"(2) For the purpose of making promotions of officers of grade II or grade III or grade IV as the case may be to the next higher grade, the Controlling Authority shall be assisted by a Selection Committee consisting of such members as may be appointed by the Board, and the Selection Committee shall, at such intervals as may be necessary and by adopting such procedure as may be approved by the Board, prepare a list of officers (hereinafter referred to in these rules as the Select List) who are to be promoted, and the order in which they are to be promoted by the Controlling Authority."

5. In the said rules, after rule 9, the following rules shall be inserted, namely:—

"9A. *Seniority.*—(1) The seniority of an officer appointed under the provisions of sub-rule (3A) of rule 7, rules 7A, 8 and 10 on or after the commencement of the Indian Statistical Service (Amendment) Rules, 1973, shall be determined in the manner hereinafter provided.

(2) Where a departmental candidate is appointed to any grade under the provisions of sub-rule (3A) of rule 7, he shall be placed below the officer who on the date of selection of such departmental candidate to that grade is the junior-most amongst the officers who had been appointed on a regular basis to that grade.

(3) (i) Where a departmental candidate being a person who, on the date of the constitution of the Service, had either held, or held lien on, any post which was included in any grade in Schedule I after the initial constitution of the Service, is appointed to that grade under the provisions of sub-rule (1) of rule 7A, he shall be placed below the junior-most officer who—

(a) was appointed on a regular basis to a post included in that grade in Schedule I earlier than the appointment on a regular basis of the departmental candidate to the post included in such grade in that Schedule, and

(b) had been considered suitable by the Commission for appointment to that grade under the provisions of sub-rule (2) of rule 7;

(ii) Where more posts than one are included in the same grade in Schedule I at the same time, and the seniority of more than one departmental candidate appointed to any grade under the provisions of sub-rule (1) of rule 7A is required to be determined in the manner specified in clause (i), then, the order in which their seniority in the concerned grade is determined shall be the order of their seniority, in their parent department, and their *inter se* seniority in their parent department shall not be disturbed while determining their seniority in that grade in hat order.

(4) (i) Where a departmental candidate, being a person who, on the date of the constitution of the Service, had neither held, nor held lien on, any post

which was included in any grade in Schedule I after the date of the constitution of the Service, is appointed to that grade under the provisions of sub-rule (1) of rule 7A, he shall be assigned a position in the seniority list of the concerned grade in the following manner, namely:—

(a) he shall not be placed above the juniormost officer who is substantive in that grade of the service with effect from a date not later than the date of selection of the departmental candidate to the concerned grade of the Service under the provisions of sub-rule (1) of rule 7A;

(b) he shall be placed, amongst the officers who are not substantive in that grade, below the juniormost officer who was appointed on a regular basis to a post included in the concerned grade in Schedule I earlier than the date of appointment on a regular basis of the departmental candidate to the post included in the concerned grade in Schedule I.

Provided that such departmental candidate shall not be placed above an officer who, having been recommended by the Commission under the provisions of sub-rule (2) of rule 7 for appointment to the concerned grade, was appointed to the next lower grade for want of a vacancy and had been subsequently promoted to the concerned grade under the provisions of sub-rule (2A) of rule 7, and who has continuously officiated in the concerned grade or in a post equivalent thereto from a date not later than the date of appointment on a regular basis of the departmental candidate to the post included in Schedule I.

(ii) Where more posts than one are included in the same grade in Schedule I at the same time, and the seniority of more than one departmental candidate appointed to any grade under the provisions of sub-rule (1) of rule 7A is required to be determined in the manner specified in clause (i), then, the order in which their seniority in the concerned grade is determined shall be the order of their seniority, in their parent department, and their *inter se* seniority in their parent department shall not be disturbed while determining their seniority in that grade in that order.

(5) Where a departmental candidate is appointed to any grade under the provisions of sub-rule (2) of rule 7A, he shall be placed below the juniormost officer who had been appointed on a regular basis to that grade on the date of selection of the said departmental candidate to that grade.

(6) Where a person is appointed to any grade under the provisions of clause (i) of rule 10, he shall be placed below the juniormost officer who had been appointed on a regular basis to that grade on the date of appointment of the aforesaid person to that grade.

(7) (i) Where a person is appointed to grade I or grade II or grade III under the provisions of rule 8, he shall, subject to the provisions of clause (ii), be placed below the junior most officer who had been appointed on a regular basis to the grade concerned.

(ii) The *Inter se* seniority of persons appointed to grade I or grade II or grade III under the provisions of rule 8 shall be determined in the following manner, namely:—

(a) a direct recruit to any grade shall be placed below the juniormost promoted officer who had been appointed on a regular basis to that grade on or before the date of appointment on a regular basis of such direct recruit:

Provided that the assignment of seniority to such promoted officers over direct recruits shall be restricted to the number remaining after substracting the number of direct recruits appointed on a regular basis on that date from the number of regular vacancies which have arisen since the date of appointment of the last direct recruit which are required to be filled up under the provisions of rule, 8:

Provided further that for the purpose of determining the seniority of a promoted officer in relation to a direct recruit, the promoted officer shall not be deemed to have been appointed on a regular basis if he holds a vacancy which has arisen by deputation or a series of deputation not exceeding three years on the date of appointment of the direct recruit not withstanding that by an order subsequent to the date of appointment of the direct recruit, the total period of deputation is extended beyond three years.

(b) as between direct recruits recommended by the Commission on different occasions, a direct recruit recommended earlier shall be placed above a direct recruit recommended later, and as between direct recruits recommended on the same occasion, a direct recruit placed higher in the Commission's recommendation shall be placed above the direct recruit placed lower.

(c) as between promoted officers recommended for promotion on different occasions, a promoted officer whose promotion was recommended earlier by the Selection Committee shall be placed above a promoted officer recommended later, and as between promoted officer whose promotion was recommended on the same occasion, a promoted officer placed higher in the Select List shall be placed above a promoted officer placed lower.

(8) Notwithstanding anything contained in sub-rule (7), where it has not been possible, in the public interest, to promote an officer whose turn for promotion had come according to his place in the Select List, then, a place in the seniority list shall be kept reserved for him and such officer, when he is promoted, shall be placed in the seniority list in the position in which he would have been placed had he been promoted in his turn, and the said officer shall be included among the number of promoted officer who shall be entitled to the benefits under the first proviso to sub-clause (a) of clause (ii) of sub-rule (7).

(9) Nothing contained in this rule shall affect the seniority as already determined of an officer appointed to any grade before the commencement of the Indian Statistical Service (Amendment) Rules, 1973:

Provided that, where the seniority of any such officer had not been determined before such commencement, it shall be determined by the Controlling Authority in the same manner in which and in accordance with the same principles on the basis of which the seniority of other officers appointed to any grade before such commencement had been determined.

9B. "*Regular basis*" *defined.*—(1) where a person is appointed in accordance with the procedure laid down in sub-rule (2) against a regular vacancy, then he shall be deemed to have been appointed to any grade or post on a regular basis.

Explanation.—A vacancy shall be deemed to be regular vacancy if it arise by reason of—

(i) the vacation of a post by a regular incumbent by regular promotion, transfer from the Service, retirement, resignation, dismissal, removal or death;

(ii) the inclusion of a post in Schedule I in the absence of a departmental candidate in respect of that post;

(iii) the deputation of the regular incumbent of a post included in Schedule I for a period not less than three years;

(iv) the deputation of the regular incumbent of a post included in grade I in Schedule I to a higher post under the Government, where the Controlling Authority is satisfied that there is no likelihood of the officer reverting to a post in grade I.

(2) A person shall be deemed to be appointed in a regular manner, if—

(a) in the case of a direct recruit to any grade appointed under the provisions of rule 8 or clause (i) of rule 10, and in the case of a direct recruit to any post not included in Schedule I, he has been appointed to the said grade or post, as the case may be, as a direct recruit in pursuance of the recommendation of the Commission;

(b) in the case of an officer promoted to any grade under the provisions of rule 8, and in the case of an officer promoted to any post not included in Schedule I, he has been promoted to the said grade or post, as the case may be, on the basis of his inclusion in the Select List prepared for the purpose of making promotion to such grade or post, as the case may be:

Provided that the promotion of an officer otherwise than in the order in which his name is placed in the Select List for promotion shall not be deemed to be an appointment in a regular manner, unless such promotion has been made by the Controlling Authority in the public interest.

9C. *Date of Appointment.*—The date of appointment of a person to any grade or post on a regular basis shall,—

(a) in the case of a direct recruit to any grade or post, be deemed to be the date on which he was recommended by the Commission for appointment to such grade or post, as the case may be; and

(b) in the case of promoted officer to any grade or post, be the date on which he was included in the Select List for promotion to that grade or post as the case may be, or the date on which he was appointed to that grade or post as the case may be, whichever may be later.

9D. *Special provision in cases of undue hardship or injustice.*—Where the Controlling Authority is of the opinion that the determination of seniority of any officer in accordance with these rules would cause or likely to cause undue hardship or injustice in any particular case, then the Controlling Authority may, in consultation with the Commission, determine the seniority in a just and equitable manner."

[No. F. 34/6/72-Estt. (F).]

SHRAVAN KUMAR, Jt Secy.

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